

## REMARKS

In paragraph 1 of the office action, the claims were objected to because of the “adapted to” and “capable of” limitations in those claims. Reconsideration of the assertion that these limitations are not positive limitations is respectfully requested.

As pointed out below, these limitations are important to the patentability of the claimed invention and are referred to in the ensuing discussion as the claimed color-changing mechanism.

The “capable of” language is in fact a limitation. It is an inherent quality of the claimed material that it can change colors. That quality is not inherent in the cited reference. For example, the M.P.E.P., in Section 2173.05(g), at page 2100-221, gives an example of a limitation to a chemical compound as “incapable of forming a dye with said oxidizing developing agent” as being functional, but perfectly acceptable, because it set definite boundaries on the patent protection sought.

Similarly, the same section of the M.P.E.P. discusses a claim directed to a kit of component parts “capable of being assembled.” There, the Court held that “members adapted to be positioned” and “portions... being resiliently dilatable whereby said housing maybe slidably positioned” served to precisely define present structural attributes of the interrelated component parts of the claimed invention. See *In re Venezia*, 530 F.2d 956, 189 U.S.P.Q. 149 (C.C.P.A. 1976).

Therefore, reconsideration would be appropriate.

Regarding items 2 and 3 of the office action, claims 1 and 3 are rejected as being anticipated by the cited Ford reference. Reconsideration is requested in view of the claimed color-changing mechanism of the thermo-chromic dye included in the heat sink or power supply.

According to the description in lines 15-23 of page 4 and lines 14-22 of page 6 of the specification, the thermo-chromic dye (12, 22) included in the heat sink (1) or the power supply (2) changes color, gradually and reversibly, in response to temperature change of the heat dissipating body (11) of the heat sink (1) or the housing (21) of the power supply (2).

As for the heat exchange material disclosed in the cited Ford reference, particularly the liquid crystal material (80) set forth in column 5, lines 41-67, the liquid crystal material (80) coated on the heat sink member (50) is a two color designator which does not gradually change

color in response to temperature change of the heat sink member (50) and which is different from the thermo-chromic dye (12, 22) employed in this invention.

Regarding items 4 and 5 of the office action, claims 2 and 4 are rejected as obvious. Since the color-changing mechanism of the thermo-chromic dye (12, 22) included in the heat sink (1) or power supply (2) as claimed is neither taught nor suggested in the cited Ford reference, the obviousness rejection should be reconsidered.

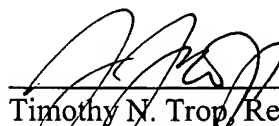
In addition, referring to the description in lines 10-16 of page 2 and lines 23-27 of page 6, the thermo-chromic dye (12, 22) coated on the visible outer surface of the heat sink (1) or power supply (2) can be used to warn an operator who conducts a testing operation of devices including the heat sink (1) or power supply (2) inside, such as a reliability, maintainability, availability (RMA) engineer. That is, when the operator sees the thermo-chromic dye (12, 22) gradually changing in color, he should not touch the heat sink (1) or power supply (2) so as to avoid getting burned. However, the heat sink member (50), described in the cited Ford reference, is mounted on the outside of a laptop computer (10) and the heat exchange material included therein is mainly used for creating a visually pleasing effect, and actually is touchable without the risk of getting hurt. Therefore, the thermo-chromic dye (12, 22) employed in this invention is different from the heat exchange material of the cited Ford reference.

In view of these remarks, reconsideration is respectfully requested.

Respectfully submitted,

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